

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 426X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN MATAGORDA  
AND WHARTON COUNTIES, TX<sup>1</sup>

Decided: September 29, 2005

The Burlington Northern and Santa Fe Railway Company, now BNSF Railway Company (BNSF), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 20.89-mile line of railroad between BNSF milepost 66.95 in Bay City and milepost 54.00 near Cane Junction and between milepost 0.00 near Cane Junction and milepost 7.94 near Newgulf, in Matagorda and Wharton Counties, TX. Notice of the exemption was served and published in the Federal Register on September 29, 2004 (69 FR 58227-28). The notice stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by September 29, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

By decision served on October 28, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to several environmental conditions.

On September 23, 2005, BNSF filed a request to extend, until March 31, 2006, the time to file its notice of consummation. BNSF states that additional time is necessary because negotiations with various local interests have delayed salvage operations. Those negotiations are now complete and salvage operations on the line are likely to commence shortly. BNSF has shown good cause to extend the time to file a notice of consummation in this proceeding.<sup>2</sup> Accordingly, the extension request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company. The title of this proceeding has been changed accordingly.

<sup>2</sup> Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

It is ordered:

1. BNSF's request for an extension of time to file a notice of consummation of the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before March 31, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary